

**UNITED STATES DISTRICT COURT
FOR THE NOTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Larry D. Reid, et al)	Case No. 1:21-cv-00991-JG
)	
)	
)	
)	
Plaintiffs,)	Judge: James S. Gwin
)	
-vs-)	
)	MOTION TO DISMISS
Darryl Moore)	
)	
Defendant.)	

**The Defendant's Motion to Dismiss the Complaint Pursuant to Federal Rule 19
for Failure to Join an Indispensable Party**

Now comes the defendant Darryl Moore by and thru Attorney Fred D. Middleton and moves this honorable court to dismiss the complaint herein for Failure to Join Indispensable Parties pursuant to Federal Rule of Civil Procedure 19.

See **RULES OF CIVIL PROCEDURE FOR THE UNITED STATES DISTRICT COURTS [1]**

Title IV. PARTIES

"Rule 19. Required Joinder of Parties

- (a) PERSONS REQUIRED TO BE JOINED IF FEASIBLE.
- (1) *Required Party.* A person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if:
 - (A) in that person's absence, the court cannot accord complete relief among existing parties;
or
 - (B) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may:
 - (i) as a practical matter impair or impede the person's ability to protect the interest; or
 - (ii) leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest."

The complaint fails to join the parties who made the alleged statements and the actual persons who were subjects of the activities the plaintiff complains have damaged him.

The complaint states the parties who were the subject of the statements complained of were interviewed and made the alleged accusations during the interviews. These were the interviews complained of and the statements were made by the third parties.

See plaintiff's Complaint Paragraph 38;

“38. Moore has presented guests on his live stream who allege that they were molested by Reid, and recount what they claim are the details surrounding those events. These have appeared via audio and video, on live streams that aired on **April 20 2021** and **May 2, 2021**, which claims were false as those acts of molestation did not occur.”

The parties who made any such statements are necessary and indispensable parties and any ruling made in this case would not be complete and leave third parties as future litigates.

Per Federal Rules of Civil Procedure 19 this case should be dismissed for failure to join an indispensable party.

Respectfully submitted,

/s/ Fred D. Middleton.

Fred D. Middleton 0025555
3139 Morley Rd.
Shaker Heights, Ohio 44122-
Telephone: 216.566-8000
FLEGAL124@GMAIL.COM

CERTIFICATE OF SERVICE

A copy of the herein filled Motion was served VIA Efile System upon
Raymond V. Vasvari, Jr. vasvari@vasvarilaw.com and K. Ann Zimmerman
zimmerman@vasvarilaw.com , this 21st day June, 2021.

/s/ Fred D. Middleton
Fred D. Middleton
Attorney for Defendant